UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,874	12/31/2003	Rene Purnadi	944-001.124	6306

4955	7590	11/13/2006

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EXAMINER
MEHRA, INDER P

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)
	10/749,874	PURNADI ET AL.
	Examiner	**Art Unit**	
	Inder P. Mehra	2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>06 October 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
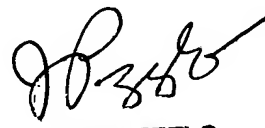
13. ☐ Other: _____.

JOHN PEZZLO
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: As explained over the phone on 11/8/06, Ludwig et al (US Patent No. 6,816,471), the primary reference in combination with Yin et al (US Patent No. 6,490,251), secondary reference provides a valid prima facie case of obviousness and "Final reply" by the office is proper, as explained over the phone . However, it is explained again. Applicant argues that Ludwig fails to disclose the local acknowledgement". Further, Applicant has also argued that since the Office relies on Ludwig for a teaching of local acknowledgement and relies on Ludwig in combination with Yin for slow release, the combination cannot teach slow release, since one cannot have slow release without local acknowledgement, and Ludwig does not teach local acknowledgement. Applicant will here confine arguments to the assertion by applicant that Ludwig does not teach local acknowledgement, since without it, there can be no teaching of slow release.

In response, Examiner states that Ludwig teaches "the data unit L2#5 has been completely acknowledged" In other words, acknowledgement by L2 (lower radio layer) to L3 (Upper layer), refer to fig. 4-5, is local acknowledgement . This is taught by Ludwig as buffer management as a result of handover, which is defined as "predetermined event", refer to specification page 9 linee 23-34,Ludwig teaches handover, refer to col. 6 line62-64 and predetermined event, refer to col. 6 lines 46-48.Further, L3 data unit have been acknowledged by the peer entity also, refer to col. 6 lines 8-67.Applicant concedes, refer to 'Remarks' , page 9 in applicant's response, that Yin discloses some entity dropping a packet from a buffer because the queue length size exceeds the maximum queue size , refer to Yin's col. 8 lines 14-20but does not see where the entity doing so independent of a local acknowledgement.

In response, Examiner states that Yin discloses dropping of packets, regardless of condition for pre-acknowledgement.

In light of above explanation, arguments by applicant are not persuasive..

Inder Pal Mehra 11/8/06

JOHN PEZZLO
PRIMARY EXAMINER

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